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|--------------------------------------|---|--------------------|
| In re Application of | : | DECISION ON |
| MILLER et al | : | |
| Application No.: 10/568,051 | : | |
| PCT No.: PCT/US2004/026252 | : | |
| Int. Filing Date: 11 August 2004 | : | PETITION |
| Priority Date: 11 August 2003 | : | |
| Attorney Docket No.: PR60436USW | : | |
| For: PHARMACEUTICAL METERED DOSE | : | |
| INHALER AND METHODS RELATING THERETO | : | UNDER 37 CFR 1.181 |

This is a decision on applicants' "SUBMISSION OF FORM PCT/IB/306" filed on 08 November 2006, which is being treated as a petition under 37 CFR 1.181 requesting that the PCT/IB/306 form was timely filed.

BACKGROUND

In a Notification communication from this office on 22 September 2006, the Office indicated that the executed declaration of the inventors was not acceptable at that time, in that the name of the first named inventor, GODFREY, Anne, Pauline, had been deleted in the declaration (this inventor was listed on the international application) and applicants had not provided proper documentation, such as PCT/IB/306, supporting such action.

On 08 November 2006, applicants filed this petition accompanied with the "NOTIFICATION OF THE RECORDING OF A CHANGE" Form PCT/IB/306.

DISCUSSION

A review of the file shows that the "NOTIFICATION OF THE RECORDING OF A CHANGE" Form PCT/IB/306 mailed on 10 February 2006 to the applicants from the IB. The Notification indicates that applicant/inventor GODFREY, Anne, Pauline had been removed from the record and this change was effected in accordance with PCT Rule 92*Bis*.

Accordingly, the declaration filed 10 February 2006 is accepted because applicants have provided a showing that the applicant/inventor removal was effected in accordance with PCT Rule 92*bis* prior to commencement of national stage application.

CONCLUSION

The petition under 37 CFR §1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **10 February 2006**.



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